

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Prosecutors - Payment of remuneration to Smt. K.Sarala Reddy, Ex-Public Prosecutor, District & Sessions Court, Nizamabad for conducting prosecution in S.C.No.119/1994 on the file of Additional District and Sessions Court, Nizamabad - Orders - Issued.

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LAW (LA&J-HOME-COURTS.A2) DEPARTMENT

G.O.Rt.No. 1583

Dated: 29-09-2009.

Read the following:

1. G.O.Rt.No.1309, Law (LA&J-Home-Courts.A2) Department, dated: 08-09-1998.
2. Govt. Memo.No.7119/Courts.A/A2/2002, dated: 07-03-2003.
3. Hon'ble High Court of A.P. orders dated: 17-12-2008 in W.P.No.8072/2003 filed by Smt. K.Sarala Reddy.
4. Representation of Smt. K.Sarala Reddy, Ex- Public Prosecutor, dated: 26-12-2008.
5. From the Director of Prosecutions, A.P., Hyderabad, Lr.No.40/A2/09, dated: 2-2-09.
6. From the Director of Prosecutions, A.P., Hyderabad, Letter No.40/A2/2009, dated: 28-07-2009.

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ORDER:

In the reference 1<sup>st</sup> read above, Government have entrusted the conduct of Prosecution in SC.No.119/1994 on the file of the Principal District and Sessions Judge Court, Nizamabad arising out of Cr.No.145/1993 of Nirmal Police Station, Adilabad District to Smt. K.Sarala Reddy, Public Prosecutor, Nizamabad.

2. Smt. K. Sarala Reddy, has submitted a representation dated: 20-02-2002 to Government requesting for payment of remuneration of Rs.1,01,000/- for her appearances in Sc.No.119/1994. In the reference 2<sup>nd</sup> read above, Government have rejected her claim stating that according to instructions 21 of A.P. Law Officers (Appointment and conditions of service) instructions 2000 any law officer who is paid consolidated monthly honorarium shall not be eligible to claim additional honorarium of discharging his duties in different courts or in arbitrations cases and she was entrusted to conduct prosecution in SC.No.119/94 when she was regular Public Prosecutor to the Court of District & Sessions Judge, Nizamabad. Hence she is not entitled for the additional honorarium for conducting prosecution in SC.No.119/94 before the District & Sessions Judge Court, Nizamabad.

3. Aggrieved with the Government orders, Smt. K. Saralareddy, Ex.Public Prosecutor, District and Sessions Judge, Nizamabad has filed a Write Petition No.8072/2003 in the Hon'ble High Court of Andhra Pradesh .

4. The Hon'ble High Court of Andhra Pradesh vide orders dated: 7-12-2008 in W.P.No.8072/2003 filed by Smt. K.Saralareddy, Ex. Public Prosecutor, District and Sessions Judge, Nizamabad, have observed among others that the Petitioner was functioning as a regular Public Prosecutor for the Court of the District & Sessions Judge, Nizamabad and that through the G.O.Rt., she was only entrusted with S.C No.119 of 1994. There is no mention in the G.O. that the petitioner is being appointed as a Special Public Prosecutor. Things would have been different altogether, had it been a case where S.C.No.119 of 1994 was disposed of by the Court of the District & Sessions Judge, Nizamabad. The record discloses that it came to be transferred to the Court of the Additional Sessions Judge, Nizamabad and though the petitioner was not a Public Prosecutor for that Court, she had to appear and conduct the case even after transfer, on the basis of the entrustment, under G.O.Rt.No.1309, dated: 08.09.1998. At least, to that extent, she deserves to be treated on par with a Special Public Prosecutor, since it was not part of her regular duties and allowed the writ petition and the impugned memo is set aside and directed respondent to examine the matter afresh and pass appropriate orders, within a period of two (2) months from the date of receipt of a copy of this order.

(P.T.O.)

5. Government have examined the issue and observed that the case No.S.C.119/94 on the file of the Hon'ble District and Sessions Court, Nizamabad transferred from the Hon'ble District and Sessions Court, Adilabad on 4-8-1994. Smt. K.Sarala Reddy, had been entrusted to conduct the case in S.C.No.119/94 vide G.O.Rt.No.1309, dated: 8-9-1998. She had appeared in this case from 5-10-98 to 27-12-99 before the Hon'ble the District and Sessions Judge Court, Nizamabad and thereafter the said case has been transferred to Hon'ble Additional District and Sessions Judge Court, Nizamabad on 10-1-2000 and accordingly she has appeared from 10-1-2000 to 6-12-2001. As per the case record Smt. K.Sarala Reddy had appeared 86 (Eighty Six) hearings in the S.C.No.119/94. As per Instruction 19 (3) (h) of the G.O. 2<sup>nd</sup> cited, Special Public Prosecutors appointed in individual cases shall be paid honorarium at the rate of Rs.100/- per appearance per day. As such, the remuneration for 86 hearings will be (86x 100) Rs.8,600/- (Rupees Eight thousand and Six hundred only).

6. Government after careful examination of the entire issue, hereby order for payment of Rs.8,600/(Eight thousand Six hundred only) to Smt. K.Sarala Reddy, Ex. Public Prosecutor, as she appeared (86) hearings at the rate of Rs.100/ per appearance per day, in the SC No.119/94 as per the instructions of 19(3) (h) of Go.Ms.No.187, Law(L) Department, dated: 6-12-2000.

7. The Director of Prosecutions, Andhra Pradesh, Hyderabad, is requested to take necessary action for payment the said amount to Smt. K.Sarala Reddy, Ex. Public prosecutor by meeting the expenditure with in the budget only.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.RAMACHANDRA REDDY,  
SECRETARY TO GOVERNMENT,  
LEGISLATIVE AFFAIRS & JUSTICE.

To,  
Smt. K.Sarala Reddy, Ex. Public Prosecutor,  
308, Koratla Apartments, St.No.14, Himayathnagar,  
Hyderabad -29, through Director of Prosecutions,  
Andhra Pradesh, Hyderabad.

The Director of Prosecutions, A.P., Hyderabad.

**Copy to :**

The Government Pleader for Home,  
High Court of A.P., Hyderabad for information.

// FORWARDED :: BY ORDER //

SECTION OFFICER.